

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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ELSIE OUTRAM,

Plaintiff,

**ORDER**

08-CV-3437(ADS)(ETB)

-against-

KEITH OUTRAM,

Defendant.

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**APPEARANCES:**

**Goldson, Nolan, Connolly, P.C.**

Attorneys for Plaintiff

145 Marcus Boulevard, Suite 4

Hauppauge, NY 11788

By: June Connolly, Esq., Of Counsel

**NO APPEARANCES:**

Keith Outram

**SPATT, District Judge.**

On August 21, 2008, Elsie Outram (“the Plaintiff”) commenced this lawsuit against her son, Keith Outram (“the Defendant”), to recover for damages for conversion, misappropriation, fraud and breach of fiduciary duty. The Defendant has not answered the Complaint or otherwise appeared in this case. In an order dated January 7, 2009, the Court entered a default judgment against the Defendant and

referred the matter to United States Magistrate Judge E. Thomas Boyle for the purpose of conducting an inquest.

After an inquest, Judge Boyle issued a Report recommending that the Plaintiff be awarded damages as follows: (1) actual damages in the amount of \$90,714.67; (2) pre-judgment interest, to be calculated at a rate of 9% per annum, from October 17, 2006 through the date of the judgment; (3) post-judgment interest, to be calculated pursuant to 28 U.S.C. § 1961; and (4) costs in the amount of \$2,965.60. However, Judge Boyle recommended that the Plaintiff's request for attorneys' fees and her request for reimbursement of medical expenses be denied. To date, there have been no objections to Judge Boyle's Report.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. §636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Boyle's Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Boyle's Report, it is hereby

**ORDERED**, that Judge Boyle's Report is adopted in its entirety. The Court awards the Plaintiff: (1) 90,714.67 in damages with pre-judgment interest to be calculated at 9% per annum from October 17, 2006 through the date of judgment and post-judgment interest calculated pursuant to 28 U.S.C. § 1961; and (2) costs in the amount of \$2,965.60. However, the Plaintiff's request for attorneys' fees and her request for reimbursement of medical expenses is denied. The Clerk of the Court is directed to close this case.

**SO ORDERED.**

Dated: Central Islip, New York  
March 23, 2010

/s/ Arthur D. Spatt  
ARTHUR D. SPATT  
United States District Judge